

MINUTES

APPROVED 10-6-05

PUBLIC SAFETY COMMITTEE

AUGUST 4, 2005 2:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: L. McBean-Clairborne, Chair; M. Robertson; G. Totman; P. Penniman
Excused: M. Koplinka-Loehr
Legislator: B. Blanchard
Staff: C. Covert, Clerk of the Legislature; J. Jurkowich, Planning Department; O. Mack, Offender Aid and Restoration; K. Leinthall, Probation Director; P. Meskill, Sheriff; W. Skinner, Public Information; G. Dentes, District Attorney; J. Hughes, Assigned Counsel; S. Whicher, County Administrator; L. Shurtleff, Emergency Response; K. Schlather, Human Services Coalition
Guests: Brian Wilbur, Ithaca Fire Department; Leslie Gifford, Emergency Communications Review and Oversight Committee; Ken Lansing, Cayuga Heights Police Department; Dave Buck, Groton Police Department

Called to Order

The meeting was called to order at 2:01 p.m. Mrs. McBean-Clairborne said she would like departments to briefly report on their proposed 2006 budget requests and any impacts that may be of concern. During the first four meetings of the expanded budget committee meetings, departments will have an opportunity to present and review their budgets for the full Legislature.

Assigned Counsel

Resolution - Amending Advisory Board on Indigent Representation Bylaws

Ms. Hughes requested this item be withdrawn at this time.

2006 Budget

Ms. Hughes reported she has submitted a budget with a negative target adjustment of \$180. In regard to the mandate side, she increased the mandate line to \$1.4 million. She is estimating the State will reimburse her department \$298,000. The reimbursement rate is questionable and is based on what the State collects.

Staffing Update

Ms. Hughes briefly reported that she is currently short staffed this summer as her secretary had a tragic accident and is out on disability for at least six weeks. Any staffing assistance that can be provided by other departments would be greatly appreciated. She said the courts are aware of the situation and have been very understanding.

District Attorney

Request to Fill Vacant Position - Secretary

It was MOVED by Mr. Totman, seconded by Mr. Penniman, and unanimously adopted by voice vote by members present, to approve the request to fill the vacant position of secretary as submitted.

Budget Adjustment

Mr. Dentes briefly reviewed the budget adjustment and said his department occasionally receives forfeiture funds from the State that can be used for equipment. He is requesting that this money be used to purchase 12 computers for his department. Questions were raised concerning the use of the existing computers as they are only four years old. Mr. Dentes noted he is working with the Information Technology Services (ITS) Department and that some of them will be used at the Mental Health Department. *It was felt that Assigned Counsel could benefit as well and the County Administrator was directed to work with ITS.*

It was MOVED by Mr. Totman, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve and submit the following budget adjustment to the full Legislature for approval:

Revenue:	1165.42625	District Attorney State Forfeiture Account	\$17,000
Appropriation:	1165.52206	Computer Equipment	\$17,000

Explanation: Replacement of office computers.

2006 Budget

Mr. Dentes said the Legislature approved a half-time Assistant District Attorney position as a one-time expenditure last year. He has submitted an over target request to continue that position and will be applying \$20,000 of certified rollover money. The total cost for the position is \$28,000 on an ongoing basis.

STOP-DWI

2006 Budget

Ms. Jurkovich said the budget for STOP-DWI is paid by DWI fines and does not include any County funds. However, she is proposing some new ideas for next year. One is to fund up to 165 restaurant and tavern employees to reduce the \$35 fee by \$15 for the purpose of training them in terms of not serving underage minors or intoxicated individuals. Provide funds to allow treatment courts to administer up to 30 alcohol tests during the year. She also hopes to work closely with the judges and magistrates with collecting and tracking DWI fines.

Mr. Penniman asked if a report could be provided on the fines and the resources that can be applied to it. Ms. Leinthall made reference to the law changing and said the Probation Department will be verifying fines are paid by their clients.

Offender Aid and Restoration (OAR)

2006 Budget

Mr. Mack said the over target request last year was approved as one-time for \$6,000. The over target request he submitted this year to the review committee of the Human Services Coalition was \$30,036. He said staff hours were reduced from 35 hours to 31.5 hours per week in January 2005. He would like to restore the hours and ask that staff receive a 4.5 percent cost of living adjustment. Following a site visit from the Human Services Coalition in May and the submission of their budget request to the review committee of the Human Services Coalition, he believes the recommendation to the County Administrator includes the target amount and two over target requests (\$10,000 for bail and \$5,000 for court). If that recommendation is approved, OAR would be able to maintain current efforts, staffing and hours would stay the same and there would be no cost of living adjustment.

Probation Department

Resolution - Increasing Hours - Probation Assistant Position

It was MOVED by Ms. Robertson, seconded by Mr. Penniman, to approve and submit the following resolution to the full Legislature for approval. Ms. Leinthall explained the request is to increase hours on a permanent basis. This position has taken on more responsibilities and the caseload has increased 48 percent over the last four years. She noted that approximately 20 percent of State Aid is received for the salary and that she has included the increase in hours in her base budget for 2006. Mr. Totman said he would not be supporting the resolution for personal reasons.

A voice vote resulted as follows: Ayes - 3; Noes - 1 (Totman); Excused - 1 (Koplinka-Loehr).
RESOLUTION CARRIED.

RESOLUTION NO. – INCREASE IN HOURS FROM 35 TO 40 FOR ONE PROBATION ASSISTANT POSITION IN THE DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE

WHEREAS, the Probation Assistant responsible for conducting daily Pre-Trial interviews at the Tompkins County Public Safety Building for the purpose of assessing which inmates are appropriate for release without bail, and

WHEREAS, the assessment completed by the Probation Assistant forms the foundation for all future assessments by the Probation Department for directing appropriate future criminal justice treatment/educational services and possible sentencing options, and

WHEREAS, the Probation Assistant also oversees an administrative caseload that includes absconders (requiring monthly follow-up for purposes of locating the offender), probationers who have transferred to other states, and probationers who have transferred to other counties where the local Courts have opted to retain jurisdiction with Tompkins County, or probationers whose transfers are in progress, and

WHEREAS, the administrative caseload has increased by 48% (from 47 to 70 cases per month) over the past four years, and

WHEREAS, an additional five hours per week would enable this employee to maintain timely contacts with other jurisdictions, and

WHEREAS, a permanent increase in hours should alleviate the need to request an additional position for the foreseeable future, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That one Probation Assistant position be increased from 35 to 40 hours per week,

RESOLVED, further, That the additional annual cost of \$6,683, including fringes (minus state aid) be covered by the Department's certified rollover from 2004,

RESOLVED, further, That the position is included in the 2006 budget at 40 hours with no need for over target request.

SEQR ACTION: TYPE II - 20

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2006 Budget

Ms. Leinthall reported the Department's budget is in good shape. She has submitted a total of four over target requests. Two relate to the Microcomputer Specialist position to be funded with rollover and the other two pertain to two positions for the Day Reporting Community Justice Center. The remainder of the budget for the day reporting program was incorporated into the target budget. She hopes that the Legislature will make a final decision as to whether the alternatives to incarceration programs will continue or not.

Ms. Leinthall noted that the State is offering firearm training for the Probation Officers. The Department is responsible for only the cost of the hotel and transportation.

Sheriff's Department

Approval to Seek Bids - Snowmobiles and Body Armor

Mr. Meskill requested permission to seek bids and award to the lowest responsible bidder for the purchase of two 2006 snowmobiles and purchase of body armor. A brief discussion followed, and it was the consensus of the Committee to authorize the Sheriff to seek and award the bids as requested.

Jail Statistics - June

Ms. Robertson asked why the number for daily admissions was so high when the overall population is decreasing and asked if she could receive reports from the last two years of the daily admission number. Mr. Meskill feels it is related to the pressure on judges to get people out of the jail. Mrs. McBean-Clairborne suggested Ms. Robertson contact the judges about her questions.

Ms. Robertson distributed material relating to staffing at the Sheriff's Department for information purposes.

2006 Budget

Mr. Meskill distributed copies of the budget documents he submitted to County Administration. Below is a list of over target requests he is asking for 2006:

Jail

Ongoing cell phones	\$18,000 (target)
Increased fuel costs	\$22,000 (target)

Sheriff

Three deputies (restore staffing)	\$246,601 (target)
Vehicles	\$41,673 (target)
Fuel costs	\$25,000 (target)

Emergency Response

Subscriber Equipment for Public Safety Radio System

Introductions of emergency personnel present were made as follows: Brian Wilbur, Ithaca Fire Department; Leslie Gifford, McLean Fire Department; Ken Lansing, Cayuga Heights Police Department; Dave Buck, Groton Police Department.

Mr. Shurtleff provided an overall description of subscriber equipment and future plans. The goal is to provide reliable countywide communications including radio coverage and linking sites together. The ultimate goal is to have emergency responders be able to communicate with each other as well as dispatch regardless of agency and radio frequency being used. Thus far, focus has been made on infrastructure and now that that issue is being finalized, it is time to look at how responders (subscribers or end users) will fit into this.

At this time, Mr. Shurtleff provided an illustration of the equipment used. The coverage for portable radios is about 65 percent countywide and are not always reliable. Over the last few years the County has worked very diligently to improve the overall coordination of services. Public safety departments are working with fewer resources, but the number of emergency calls continue to increase annually as well as the complexity of the calls. He spoke about mutual aid and the efforts that have been made with departments and agencies working together. As personnel will likely not increase in the public safety agencies, it is important to enforce the use of policies and agreements that have been approved.

He feels that based on the inventory of existing equipment being used in the field today by the public safety community, the estimated cost will range between \$1.5 and \$2.5 million to replace the equipment needed. He believes more information on the costs will be available in a few weeks.

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Mr. Whicher reminded the Committee that this is the equipment that if financed can only be financed for three years maximum because of the life span of the equipment. However, he hopes the County will purchase equipment without financing and commented that a grant for \$1 million was received for the purchase of some of the equipment. Mr. Shurtleff noted that the equipment will not necessarily need to be replaced every three years, only that the equipment depreciates over time.

Ms. Robertson asked IF there was any more information available from the Public Safety subcommittee about the funding for the equipment. Mr. Penniman believes the recommendation from the group was that the County continue to pay for mobile units and the portable units and allow for a four-year payment program whereby the users would begin to budget and pay that amount back. The County would look at agency and/or municipal budgets to see how affordable they were or if a subsidy would be necessary. There was no further discussion or action taken by the subcommittee. Ms. Robertson asked about the pagers; Mr. Whicher said procedures have traditionally been the cost is paid by the agency.

Mr. Meskill reported as Chair of the Emergency Review and Oversight Committee (EROC) and said its members are suggesting this is a "total system". The County has built building and is now moving forward with adding the necessary towers. The third "leg" is the proper and necessary equipment to make the system run. In September, the advisory committee will begin meeting with vendors to see what equipment and features are available.

Mr. Wilbur noted this is not easy, but it is important that everyone is involved and that there is equity when looking and collecting the information in relation to the equipment. It is key that the system being built works and that everything done is reasonable, appropriate, and efficient.

Mr. Totman followed up on a comment made earlier in the meeting concerning the cost of pagers and reminded the Committee that some of the smaller departments and agencies may not be able to afford them.

Ms. Blanchard reiterated the point made that it is important to have the equipment be the same and not have different models. She also said as this process moves forward to remember that the transit system and the Highway Department are both interested in the workings of this project and feels they need to be involved. Mrs. McBean-Clairborne suggested the Public Health Department may also have an interest. Mr. Shurtleff commented that the inventory of equipment he referred to earlier in the meeting is strictly for the people currently on the system. However, he hopes agencies such as Cornell and Ithaca College will also be compatible.

Mr. Meskill commented that the EROC is looking for the Legislature to make a commitment to buy the equipment for the agencies as the last "leg" of the communications system. Mr. Wilbur reiterated the comments made today by the public safety providers of their expectation that the County will purchase the initial inventory of all equipment. He also agrees more information is needed for both the County and the providers, but he strongly feels there needs to be inclusiveness.

Ms. Robertson further discussed the cost for the equipment and raised concerns with adding any additional funding to the property tax.

Mrs. McBean-Clairborne understands that staff will have more concrete information on the cost of equipment and asked that discussion continue when more information is available.

Mr. Totman reminded the Committee that this equipment has been part of the project from the beginning.

Mr. Whicher agreed with Mrs. McBean-Clairborne and recommended Mr. Shurtleff come back to the committee at the appropriate time with the inventory of equipment needed and the cost as well as options and an analysis of what will work the best. Mr. Penniman asked that if there is going to be a significant cost to the municipalities or agencies that they be made aware of those costs as soon as possible.

Mr. Shurtleff also reminded the Committee that the estimated cost of the overall project is \$20 million which included \$16 million for the system and \$4 million to replace the subscriber equipment. Bonding authority was approved for up to \$16 million. In the next few weeks, Motorola will provide a price for the radio system infrastructure. Site plans and plans for individual locations for towers are now entering the Environment Impact Statement (EIS) process. Those site plans will then move into a bid document for site development work. By the end of the year, he hopes the Legislature will be in a position to sign contracts and approve the declaration on the EIS. He is hopeful and cautiously optimistic in that the project will be significantly less than \$16 million as efforts have been made to use sites already developed and co-locate existing facilities. He believes those numbers will be final before the budget cycle begins this fall. He hopes the infrastructure will be in place by next fall and testing the system by the end of the year in 2006 and transition into and roll out the new system in early 2007.

Resolution - Adoption of Bylaws

It was MOVED by Ms. Robertson, seconded by Mr. Totman, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. - ADOPTION OF BYLAWS - EMERGENCY COMMUNICATIONS REVIEW AND OVERSIGHT COMMITTEE

WHEREAS, Resolution No. 318, dated December 19, 2002, recognized the E911 Operations Committee and established the Emergency Communications Review and Oversight Committee, and

WHEREAS, the Emergency Communications Review and Oversight Committee drafted and adopted Bylaws unanimously at the July 20, 2005, meeting, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That these Bylaws be adopted and filed with the Clerk of the Legislature.

SEQR ACTION: TYPE II-20

Budget Adjustment

It was MOVED by Ms. Robertson, seconded by Mr. Penniman, and unanimously adopted by voice vote by members present, to approve and submit the following budget adjustment to the full Legislature for approval:

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
4189.43401	Public Health	\$ 9,534	3410.41140	911 Surcharge
4189.54306	Auto Supply	900	3410.54306	Auto Supply
4189.54412	Travel/Training	1,500	3410.54412	Travel/Training
4189.54421	Auto Maintenance	1,600	3410.54421	Auto Maintenance
4189.54432	Rent	3,960	3410.54432	Rent
4189.54452	Postage	2,520	3410.54452	Postage
4189.54471	Electric	5,100	3410.54471	Electric
4189.54472	Telephone	16,200	3410.54472	Telephone

Note: These amounts need to be transferred from Public Health - EMS Program (4189) to EM Response Program (3410) as these expenses and resulting revenues are no longer covered by Public Health reimbursements and expenses cannot be drawn against these Public Health lines. Revenue loss will be offset by 911 surcharges for the net differences to the Department fiscal target of \$0. As this transfer is between accounts and programs, it has to be acted upon as an adjustment.

Resolution - Capital Project - Tower Construction

It was MOVED by Mr. Penniman, seconded by Mr. Totman, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

**RESOLUTION NO. - AMENDMENT TO THE CAPITAL PROGRAM AND
APPROPRIATION FROM THE CONTINGENT FUND -
RELOCATION OF COMMUNICATIONS TOWER LOCATED AT
THE PUBLIC SAFETY BUILDING TO SNYDER ROAD**

WHEREAS, the communications tower located at the Public Safety Building was found to be unsound for the existing loading, and

WHEREAS, the County is obligated through existing leases to provide space for at least one cellular co-locator, and

WHEREAS, the cellular co-locators will reimburse the County from the capital costs and provide a ten-year revenue of approximately \$1,100,000, now therefore be it

RESOLVED, on recommendation of the Public Safety, Facilities and Infrastructure, and Budget and Capital Committees, That the 2005 Capital Program be amended to include \$160,000 for the relocation of the Public Safety Building Communications Tower to Snyder Road,

RESOLVED, further, That the project be titled the Snyder Road Communications Tower,

RESOLVED, further, That the Finance Director is hereby directed to appropriate \$160,000 from the Contingent Fund.

SEQR ACTION: TYPE II-20

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Resolution - Balancing Test Analysis

It was MOVED by Mr. Penniman, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

**RESOLUTION NO. - BALANCING TEST ANALYSIS REGARDING CONSTRUCTION
OF TOWER IN THE VILLAGE OF LANSING**

WHEREAS, the County intends to construct a tower in the Village of Lansing, and

WHEREAS, this tower is not intended for the County's emergency communication equipment but is, instead, intended to house numerous private cell carriers, and

WHEREAS, the New York State Court of Appeals in the City of Rochester vs. County of Monroe, 72 NYS2d 338 (1988), determined that various criteria should be considered to determine whether an action is subject to local zoning requirements, and

WHEREAS, the County has thoroughly examined the criteria, now therefore be it

RESOLVED, on recommendation of the Public Safety and Facilities and Infrastructure Committees, That the County concludes this action is appropriately subject to local zoning, permit the Village of Lansing to exercise local land use regulation for reasons summarized in the attached analysis.

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**The Balancing Test-Analysis of Criteria with respect to Construction of a Tower in
Village of Lansing**

1. The Nature and Scope of the Instrumentality

Tompkins County, a Charter County in New York State, has the responsibility to provide for public safety of County residents. It also has the power and responsibility to care for its properties. The project is located in the Village of Lansing, a municipality in the County.

2. The Kind of Function of Land Use Involved

The County intends to construct a freestanding latticework tower on Airport property at the corner of Snyder and Mohawk Road, across from the Cornell Chemical Disposal Site. This area is currently used by the Public Works Department for construction materials storage. The new facility will serve private-sector needs, generate revenue for the county, and negate the need for additional towers in this area. The project, which involves the placement of a several private-sector cell companies on a single tower, is described at length in the Capital Project Request form, developed by the County.

3. The Extent of Public Interest to be Served Thereby

The project will serve primarily private-sector cell providers but will provide benefits to the County, the Village, and taxpayers. The Public interest is served in numerous ways: (a) better cellular communication in the area; (b) fewer overall towers in the area; (c) revenue generated will benefit County taxpayers; (d) enhanced security at the public safety building by removing cellular carriers from that site.

4. The Effect Local Land-Use Regulations Would Have Upon the Enterprise Concerned

Local land-use regulations could permit this project or allow a greater number of separate tower sites at different locations.

5. The Impact Upon Legitimate Local Interest

The impact on legitimate local interest is positive. The proposed improvement will provide improved cell coverage to the area while minimizing environmental impacts.

6. The County's Legislative Grant of Authority

The county is authorized to manage its real property. County Law §215.

7. Alternative Location for the Facility in Less Restrictive Zoning Areas

The County considered several alternative locations and structures. However, this location, minimizes the environmental impacts and eliminates need for additional towers.

8. Alternative Methods of Providing the Needed Improvement

Numerous separate towers at various locations.

9. The Intergovernmental Participation in Project Development and Opportunity to be Heard

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The Village of Lansing has received detailed information on the project.

PARS Form - Tower Construction

It was MOVED by Mr. Totman, seconded by Ms. Robertson, and unanimously adopted by members present, to approve the Tower Construction - Snyder Road Site project as submitted.

Mr. Meskill commented that he would like to apply for tourism funding for the Sheriff's Department in relation to Grassroots and National Night Out. Mr. Whicher suggested Jackie Kippola be contacted as she handles the applications for the tourism program.

Approval of Minutes

It was MOVED by Ms. Robertson, seconded by Mr. Penniman, and unanimously adopted by voice vote by members present, to approve the minutes of the May 17 and July 7, 2005 meetings as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4:14 p.m.